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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,139	03/03/2004	Charles P. Schultz	CE11954JUI	4857
34952	7590	08/23/2005		
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. 551 N.W. 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER NGUYEN, BINH AN DUC	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,139

Applicant(s)

SCHULTZ, CHARLES P.

Examiner

Binh-An D. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/3/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-14, 16-18, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Puskala (6,908,389).

Referring to claims 1 and 9, Puskala teaches a device (and method thereto) for facilitating a multiplayer game using a plurality of wireless devices that are connected via a wireless network, comprising: an input interface for receiving a request to transfer information with at least one other wireless device during the multiplayer game (Figs.5A-6; 6:1-27), the information being at least one of text, audio, and image information (3:18-32); a game framework component for determining whether the requested transfer is permitted according to a set of predefined rules for the multiplayer game (2:10-62); and a communication interface for transferring the information with the at least one other wireless device via a wireless network only if it is determined that the predefined rules permit the requested transfer (2:10-22).

Referring to claim 16, Puskala teaches a server (game platform 40, Fig.1) for facilitating a multiplayer game over a wireless network (6:45-63), the server comprising:

an input interface for receiving a request to transfer information between at least two wireless devices (10, 20) during the multiplayer game, the information being at least one of text, audio, and image information (3:18-32; 7:16-49); a game framework component for determining whether the requested transfer is permitted according to a set of predefined rules for the multiplayer game (5:1-57); and a communication interface for transferring the information between the at least two wireless devices via a wireless network only if it is determined that the predefined rules permit the requested transfer (2:10-22; 6:45-63).

Referring to claims 2 and 10, Puskala teaches the at least two wireless devices are mobile telephones and the wireless network is a mobile telephone network (Fig. 1; 4:37-59).

Referring to claims 14 and 21, wherein a rule interface for sponsoring the multiplayer game by providing the set of predefined rules to the other wireless device (claim 14); and the game framework component determines the outcome of the game based at least partially on the predefined rules (claim 21); these limitations are inherent from the games played by the wireless devices such as checkers or action games which are based on predetermined rules (7:51-6:43; 10:14-64).

Referring to claims 3, 4-6, 11-14, 17, 18, 20 and 21, Puskala teaches each of the at least two wireless devices is operated by a participant of the multiplayer game (2:3-22); at least some of the plurality of wireless devices are operated by participants that are divided into a plurality of teams, and in the determining step, the determination is based at least partially on whether the at least two wireless devices are operated by

participants on the same team or participants on different teams (11:12-58); determining whether a first of the at least two wireless devices is operated by a participant or a non-participating viewer; determining whether a second of the at least two wireless devices is operated by a participant or a non-participating viewer; and determining whether the requested transfer is permitted according to the predefined rules that apply to at least one of participants and viewers of the multiplayer game (11:12-58); sponsoring the multiplayer game by providing the set of predefined rules; storage for storing the set of predefined rules (2:23-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puskala (6,908,389) in view of Weisman et al. (2004/0047461).

Puskala teaches all limitations of claims 1-6, 9-14, 16-18, 20, and 21 above. Puskala does not explicitly teach sending a notification to at least one of the at least two wireless devices, if it is determined that the predetermined rules do not permit the requested transfer (claim 7); and the multiplayer game is a multiplayer reality game and the information is a live image or live video (claims 8, 15, and 19). Weisman et al., however, teaches a system and method for wireless conference/game wherein the

participants can view each other live via the wireless devices (paragraphs 139-142). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the continuous wireless live video streaming method of Weisman et al. to the multiplayer gaming system of Puskala to provide uninterrupted live view of the players and enhance reality to the interactive gaming environment thus attract more players to the mobile gaming network.

Referring to the limitation of claim 7, wherein sending a notification to at least one of the at least two wireless devices, if it is determined that the predetermined rules do not permit the requested transfer; the examiner hereby take an Official notice that it is obvious in video gaming to inform the players of noncompliant game commands or requests to enhance user friendly interface.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN



XUAN M. THAI
SUPERVISORY PATENT EXAMINER

TC3700